

**SAINT REGIS MOHAWK TRIBE
MEMBERSHIP ORDINANCE**

I. PURPOSE

This ordinance shall supersede all prior existing ordinances or resolutions regarding membership on the official rolls of the Saint Regis Mohawk Tribe.

Qualifications for membership are established herein and this Ordinance shall provide for the implementation of membership enrollment procedures.

II. POLICY

It is the policy of the Saint Regis Mohawk Tribe that all persons who are qualified for enrollment as defined herein and who apply for membership shall be duly enrolled as members of the Saint Regis Mohawk Tribe.

It is the further policy of the Saint Regis Mohawk Tribe that verification of qualifications for membership of individual Saint Regis Mohawk Indians shall be made pursuant to this Ordinance.

Finally, it is the policy of the Saint Regis Mohawk Tribe that the strictest confidentiality shall be maintained to protect the individual privacy of all Saint Regis Mohawk Tribal members and their families.

III. DEFINITIONS

1. "Other authenticating documents" shall include, but will not be limited to:
 - a. a judgment by a court of competent jurisdiction, which shall include tribal, state or federal courts;
 - b. a final decision of the Saint Regis Mohawk Tribal Council.
 - c. Tribal, state or federally certified documents.
 - d. Certified documents of religious affiliations.
2. "Relinquish" refers to the act of giving up one's membership as an enrolled member of the Saint Regis Mohawk Tribe and includes giving up all associated rights and privileges, done in accordance with the procedure contained in this ordinance.
3. "Saint Regis Mohawk Tribe" shall mean the duly enrolled members of the Saint Regis Mohawk Tribe, collectively.

4. Saint Regis Mohawk Membership Board - This Board shall be delegated the authority by the Saint Regis Mohawk Tribal Council to be responsible for all aspects of the Saint Regis Mohawk Tribal enrollment.
5. Minor – For purposes of Membership in the SRMT, this shall mean anyone under the age of eighteen (18).

IV. QUALIFICATIONS FOR MEMBERSHIP IN THE SAINT REGIS MOHAWK TRIBE

1. Natural Heritage
 - a. Individuals whose biological mother and/or father are/were members of the St. Regis Mohawk Tribe are eligible for membership.
 - b. The children resulting from the union of any member who has only one enrolled parent and who also has four (4) great grandparent members are eligible for membership.
2. Other Mohawks
 - a. This section shall refer to the married spouse of an enrolled Tribal member. The Membership Code requires a three (3) year probationary period for Mohawks from other Mohawk territories.
 - b. Signed Release of Information Form for background check on the United States and Canadian side. These are factors to be weighed when considering granting membership to a Mohawk from another territory and could constitute a basis for denying membership.
 - c. Domestic violence, child abuse (e.g. pedophiles)
 - d. Convicted drug offenders, felonies (e.g. assault)
 - e. Arson, murder and instigators
 - f. Three references from reliable community members
 - g. The following will also be factors for consideration for those who apply for membership:
 1. Willingness to learn and speak the Mohawk language, culture & customs.
 2. Individual or family ties of Members of the community
 3. Member of a Clan
 4. Reasons for wanting to be member
 5. Must be willing to transfer Membership to the St. Regis Mohawk Tribe after three (3) year probation.
 6. Members who are presently enrolled from the Mohawk Council of Akwesasne will be exempt from the above.
 - h. Probationary Period
 - i. During the three-year probationary period, the individual will use benefits available from home territory until full membership is obtained, unless member is

presently enrolled with the Mohawk Council of Akwesasne. An evaluation shall be conducted within the five (5) year probationary period.

1. During the probationary period an applicant who violates conditions of probation, their application shall be terminated by the majority decision of the Membership Board.
2. Probationary period extensions shall not be allowed for pending legal matters. (i.e. felony charges; fraud, etc.)
3. The St. Regis Mohawk Tribal Clerk will process all of the above and the findings will be brought to the St. Regis Mohawk Tribe Membership/Residency Board.

- j. A public announcement shall be published in the local papers for three (3) consecutive weeks, when the applicant's registration is complete.

NOTE – for consideration and discussion– granting of membership to other non-Mohawk resident spouses?

3. MARRIAGES

- a. If a member of the St. Regis Mohawk Tribe who marries a Mohawk (member of Haudenosaunee??) from another reserve (i.e. Oka, Kahnawake, Tyendinaga, Wahta, etc.):

1. The spouse may be eligible for membership provided they have at least four (4) great grandparents who are enrolled members at one of these Mohawk Territories.
2. The children of the marriage may be eligible for membership provided they have 4 great grandparents who are enrolled members of a Tribe, Nation, or First Nation.
3. Any enrolled member from the Mohawk Council Akwesasne will be exempt from the five (5) probationary period.

- b. A member of the St. Regis Mohawk Tribe who marries a Native American from another NON-Haudenosaunee Native American Tribe

1. Spouse is not eligible for membership.
2. Children of the marriage may be eligible for membership provided they have 4 great grandparents who are enrolled members of a Tribe, Nation or First Nation.
3. Children brought into the marriage may be eligible for membership providing they meet

- c. All of the above shall meet the probationary period of five (5) years.
- d. A member of the St. Regis Mohawk Tribe who marries a Non-Native, shall:
 - 1. Retain membership
 - 2. Spouse is not eligible for membership.
 - 3. Children may be eligible for membership upon meeting the provided they have 4 great grandparents who are enrolled members of a Tribe, Nation or First Nation.
- e. Common Law Marriage is not recognized by the St. Regis Mohawk Tribe.

4. **ADOPTIONS**

- a. [Persons adopted by members of the Saint Regis Mohawk Tribe are eligible for membership.]???
- b. A Mohawk child from Akwesasne who is already a member and is adopted by a person who is not a member of the St. Regis Mohawk Tribe retains membership.
- 3. A non-Akwesasne Mohawk Indian child with at least one natural Indian parent who was enrolled or registered by another Indian Band or Tribe, when adopted by a member of the Tribe is eligible for membership. Upon that child's 19th birthday they can retain his/her own inherit membership from their own reservation.
- c. A non-native child adopted by an enrolled member shall not gain membership.
- d. Children whose eligibility for enrollment is made pursuant to a paternity action or by acknowledgment of paternity may be enrolled.
- e. Descendants of members of the Saint Regis Mohawk Tribe not born in hospitals may be enrolled.
- f. Dual-enrollments are hereby specifically prohibited by the Saint Regis Mohawk Tribe, except that Tribal Members may be duly enrolled or registered with the Mohawk Nation Council of Chiefs or the Mohawk Council of Akwesasne.
- g. A non-native or a non-member spouse shall be allowed to enroll their child, who is eligible for enrollment.
- h. A person who has been previously adopted out of the Tribe, and who believes they may be of Saint Regis Mohawk Tribe descendency, may apply for membership in the same manner as any other person provided for in this Ordinance.

V. PATERNITY

The Membership Board may inquire into the paternity or maternity of an applicant or of anyone through whom an applicant claims eligibility for enrollment in the Tribe, where a reasonable basis exists to question the ancestry of the applicant.

When paternity or maternity is not established through an official birth certificate or when the descendent through whom the applicant is attempting to enroll does not appear on the birth certificate, then it is the responsibility of the applicant or their guardian to establish his or her descendancy through a paternity order from a court of competent jurisdiction or through a DNA or paternity test prior to processing of the application. Paternity shall also be acknowledged by a signed acknowledgment by the natural father or by a judgment by a court of competent jurisdiction which shall include tribal, state or federal court.

VI. RELINQUISHMENT OF POLITICAL RIGHTS

An enrolled individual Saint Regis Mohawk tribal member may voluntarily relinquish his or her political rights pursuant to this ordinance.

- A. Any adult member may relinquish his or her political rights by submitting to the Tribal Clerk a sworn statement indicating the clear intent to relinquish his or her rights and have their name removed from the Saint Regis Mohawk Tribe Eligible Voter's List. This sworn statement shall be submitted in writing and shall be signed by the person intending to do so and notarized or witnessed by 2 adults. A relinquishment form established by the Saint Regis Mohawk Membership Board shall be provided to anyone wishing to relinquish their political rights as a Saint Regis Mohawk Tribal Member. [INSERT ADDITIONAL PROCEDURES]
- B. The request for relinquishment of one's political rights shall be reviewed and approved by the St. Regis Mohawk Tribal Council.
- C. An adult person who relinquishes his/her political rights shall not be entitled to participate in the governance of the Tribe by attending Tribal meetings, work sessions, voting, running for office, or participating in any other way in the political processes of the Tribe on or after the date on which the request is approved.
- D. Once a relinquishment of political rights is approved, public notice of the relinquishment shall be made as soon as possible thereafter.
- E. Prohibition on the relinquishment of a minor. No person under the age of 18 may relinquish his/her membership in the Saint Regis Mohawk Tribe, nor may any parent or guardian relinquish their membership in the SRMT except upon a finding of the Saint Regis Mohawk Tribal Council that such relinquishment is in the best interests of the minor. A minor, whose membership in the SRMT has

been relinquished by a parent or guardian and who meets the tribal membership eligibility criteria shall have the option of becoming a member of the SRMT upon reaching the age of 18.

1. Membership of children cannot be relinquished by a non-Member parent.
 2. Membership of children may only be relinquished for purposes of enrollment into another federally recognized Tribe or Band. Such application for enrollment in another Tribe shall be verified by the Membership Board.
- F. Once an individual has relinquished their membership in the Saint Regis Mohawk Tribe:
1. They shall not be permitted to participate in any political processes of the Tribe, including but not limited to, attending and participating in Tribal meetings, voting, running for or holding office or holding an appointment.
 2. There shall be a three (3) year waiting period before the individual can reapply for membership.???
- G. Conditional Relinquishment. There may be certain circumstances when it may be in the best interests of a Tribal member to relinquish their membership in order to obtain membership in another Tribe. A conditional relinquishment request may be submitted, if such member is applying for membership in another federally recognized Indian tribe. Upon approval, a conditional relinquishment will be effective for a period of six months, or until such time as the member is accepted for enrollment in another federally recognized tribe, whichever comes first. IF the member is not accepted for enrollment in the other tribe within 6 months, the conditional relinquishment shall expire, the individual will remain a Tribal member and the member will be required to resubmit his/her request in order to be reconsidered for relinquishment.
- H. Relinquishment or Removal from the Saint Regis Mohawk Tribe Membership Roll shall be done on an individual basis and does not apply to that individual's descendants.

VII. LOSS OF MEMBERSHIP

A. Grounds.

1. The Membership Board shall recommend to the Tribal Council removal from the tribal roll of any person whose application after approval is found to contain false information that is material to the eligibility for enrollment of that person.
2. A person may be removed from the rolls pursuant to a duly adopted

Tribal law or ordinance which may specify removal.

B. Procedure. Prior to removal, a person shall be given notice in writing by the Membership Board of the right to a hearing and to hear the evidence against him or her, confront the witnesses, be represented by counsel at his or her own expense, and, to present evidence to the Membership Board, within thirty (30) days after the enrollee's receipt of notice of his proposed disenrollment. The hearing shall be a closed hearing, except at the option of the person who is the subject of the proposed disenrollment, *provided*, that interested parties may appear as witnesses at the hearing in order to testify and present evidence in favor or opposition to a proposed disenrollment. The burden of proof shall be on the party proposing or supporting disenrollment. Upon conclusion of the hearing, within ten (10) business days, the Membership Board will make a determination on disenrollment.

VIII. MEMBERSHIP BOARD

- A. There is hereby established a Membership Board which shall consist of five (5) Tribal Members appointed by the Tribal Council. The term of office for each Board Member shall be four (4) years. Initially, three (3) members shall serve four (4) years terms and two (2) members shall serve two (2) years terms, then four (4) year terms unless removed earlier pursuant to the terms of this Ordinance.
- B. Each Board Member shall be an enrolled member of the Tribe who has sufficient knowledge of the history of the Tribe and its members to properly evaluate enrollment applications. In addition, the person shall be at least 30 years old.
- C. The Membership Board shall have the power to establish its own rules and procedures, subject to Tribal Council approval, and to select its own officers from among its members which shall include a Chairperson of the Membership Board.
- D. The Membership Board shall participate in the review and processing of enrollment applications in a manner provided by this ordinance.
- E. Each Board Member shall be paid reasonable compensation including appropriate expenses as determined by the Tribal Council.
- F. The Tribal Council may revoke the appointment of a Board Member and remove such Board Member prior to the expiration of his/her term for cause; however, the Tribal Council shall provide the Board Member who is subject to removal with notice of the charges and an opportunity to respond to such charges in a Tribal Council hearing prior to the revocation of his/her appointment.
- G. The Membership Board shall meet a minimum of once per month. Only at this time shall enrollment decisions be made, except for relinquishments which shall be handled directly by Tribal Council.

H. The Membership Board shall call a quorum to transact business. A quorum means a majority of the Board. When a vacancy occurs on the Board, the remaining members may exercise all the powers of the Board until the vacancy is filled. The Tribal Council shall fill the vacancy within sixty (60) days.

I. Conflict of Interest.

If a majority of the remaining members of the Membership Board agree that a Membership Board member can render a fair and impartial decision pertaining to an Enrollment Application and/or hearing, the member may participate in such application review or hearing involving an applicant who is an immediate family member. For the purposes of this section, immediate family member shall mean father, mother, husband, wife, son, daughter, sister or brother.

IX. Enrollment Procedures

A. Information Required.

Applications and supporting information shall be submitted to the Office of the Tribal Clerk. The following information must be provided along with a completed membership application in order for an application for membership to be presented to the Membership Board for consideration:

1. Completed application
2. Biological Family Tree, which must go back at least 4 generations
3. Tribal enrollment numbers of parents and grandparents
4. Birth Certificate
 - a. Must be the original birth certificate with the names of biological parents listed.
 - b. Canadian birth certificates must be long form Statement of Live Birth.
 - c. Blue Canadian short form is acceptable when accompanied by a Baptismal or Longhouse Certificate
5. Proof of marital status in the form of a marriage certificate or divorce decree is required for name changes.
6. If enrolled in another Tribe or Band, a letter of enrollment from the other Tribe or Band must be provided.

B. Review by Membership Board

1. The Tribal Clerk shall certify that an application is complete and ready to be submitted to the Membership Board for review and consideration. The Tribal Clerk shall forward completed applications to the Membership Board.
2. The Membership Board shall review all enrollment applications and shall consider the information provided in such applications, together with all other available evidence concerning that applicant's eligibility for membership and make its decision as to whether the application should be approved or rejected.
3. The Membership Board shall review the application for sufficiency and accuracy to make a preliminary determination as to whether the applicant meets the criteria for membership. The preliminary determination shall be made within thirty (30) days of receipt of the application.
4. If the Board requires additional information it may request such information from the person filing the application and may request such person to appear before the Board for a personal interview. If additional information is requested, the time required for the Membership Board's preliminary determination shall be extended a reasonable time.
5. Public Notice?

C. Rejection Hearing

1. Written Notice Required. Whenever the Membership Board recommends rejection, written notice that a hearing will be held concerning such application shall be given the person filing the application, in the manner hereinafter provided, before a final determination of the applicant's eligibility for enrollment is made by the Membership Board.
2. Contents of Notice. The written notice required to be given under this section shall (1) indicate the tribal membership requirement or requirements which the applicant failed to establish or other reasons why the application should be rejected, and (2) indicate that if the person filing the application desires a hearing, he must respond within ten (10) days of receipt of the notice by giving notice to the Membership Board that a hearing is requested and provide the Membership Board a list of the witness(es) that will present relevant evidence on behalf of the applicant, and (3) inform the applicant that the decision of the Tribal Council is final. If the person filing the application fails to respond to the Notice within 10 days, the Tribal Council shall make its ruling on the record as provided by the Enrollment Board.
3. Manner of Giving Written Notice. Notice of an enrollment determination hearing shall be given at least twenty (20) days prior to the hearing after which the Membership Board will make its final recommendation of the

applicant's eligibility for enrollment. The Membership Board, in its sole discretion, may grant a continuation to the applicant for good cause.

4. The Rejection Hearing shall be duly recorded with such minutes forming part of the formal record for the applicant. Upon conclusion of a Rejection Hearing, the Membership Board shall proceed to issue a final recommendation to the Tribal Council.

D. Membership Board Determination

1. Determination of Applicant's Eligibility. The final determination as to whether an application for enrollment is approved or rejected shall be made by the Membership Board, shall be based upon the Membership Ordinance's requirements and shall be put in writing by the Membership Board.
2. Each final determination shall be signed by the Tribal Council within 30 days after its receipt. Such determination shall also set forth findings of fact indicating whether the Membership Board recommended that the application be approved or rejected, the date of the applicant's birth, and the membership requirement or requirements which the Membership Board found to be inadequate and/or incomplete.

X. Appeals/Review

- A. An applicant may appeal a denial of enrollment by the Saint Regis Mohawk Membership Board to the Saint Regis Mohawk Tribal Court.
- B. The standard of review of Tribal Court review of denials shall be arbitrary and capricious, which means that the Tribal Court will only overturn a Membership Board's determination if it finds the Board had no reasonable basis for its decision.
 1. A clear schedule of the process.
 2. A clear statement of time requirements.
 3. A clear statement by the appealing party setting forth reasons and facts supporting appeal.
 4. Hearings by the Membership Board must be available upon request of the appealing party.
 5. A record shall be kept of all proceedings.
 6. A final recommendation must be made to the Saint Regis Mohawk Tribal Council, whether or not there is a hearing.

7. An order of the Saint Regis Mohawk Tribal Court shall be delivered to the parties related to this appeal within five (5) days of hearing.
 8. Final appeals may be made to the Saint Regis Mohawk Tribal Council only after they have been processed by the Saint Regis Mohawk Membership Board with a recommendation.
- C. Appealing parties may represented by themselves or other person of their choice.
- D. All appeals shall be designed to insure equal protection and due process of Saint Regis Mohawk Tribal law.

XI. Severability.

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

XII. Amendment

This Ordinance may be amended by the Saint Regis Mohawk Tribal Council upon approval of the amendments by a referendum.

XIII. Effective Date

This Ordinance shall become effective upon its approval by referendum of the Saint Regis Mohawk Tribe.